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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,817	02/11/2002	Michael Zahm	WESTPHAL.6594	6360

7590 02/22/2006
Samuels, Gauthier & Stevens LLP
Suite 3300
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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/073,817	Applicant(s) ZAHM ET AL.	
	Examiner Victor R. Kostak	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-13 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Regarding a first matter, applicant's contention that "*a prima facie case of obviousness* (emphasis added) *has not (been) presented since the Official Action fails to resolve what the level of skill is for a person of ordinary skill in the art at the time of the invention*" (stated in point 2 on page 7 of the remarks) seems unrelated with the issue presented. Applicant brings this out in response to the enablement rejection based on 35 USC 112, not an obviousness rejection based on 35 USC 103.

Secondly, applicant's direction to text in the specification spanning page 5 line 1 and page 6 line 6 in an attempt to invalidate the examiner's objection/rejection based on 35 USC 112 regarding field strength detection, is not persuasive but corroborates the examiner's position. The text therein discloses *alternate* embodiments, of which only the first includes a field strength detector.

Actually, text spanning page 7 line 20 and page 8 line 1 expressly accounts for field strength detection in all three embodiments (though only the first has a specific dedicated stage therefore), so the issue is moot.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-13 and 17-19 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Sakashita et al.

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The receiver of Sakashita (noting Fig. 1, the first of multiple embodiments) can involve television signals (col. 1 lines 23-30), and includes a tuner stage 1 that accepts an input signal initially received at terminal 11. A first stage 12 within tuner 1 receives and processes the input signal by implementing a transfer function (e.g. col. 5 line 63 – col. 6 line 8) that is modifiable by a control signal derived from a field strength signal (identified by stage 8), and a intermediate-frequency (IF) stage 6 receives and processes (controls gain) of the signal processed by stage 12, and generates a control signal (that can be designated a “*first*” control signal) passed to stage 6.

Although an antenna is not specifically disclosed by Sakashita in the initial reception stage, the examiner takes Official notice that an antenna is a typical component used in a receiver for obtaining RF signals, and would have been obvious to use in any suitable receiver, such as that of Sakashita, for that purpose.

Furthermore, although Sakashita does not specify stage 12 as a “filter” stage, it is noted that filtering is a broad term defined by the reduction of data relative to initial data. The processing of stage 12, prompted by control stage 9, involves the reduction of differences among desired frequency characteristics (e.g. col. 5 line 63 – col. 6 line 3). In view of this, it would have been obvious to one of ordinary skill in the art to consider the processing performed by stage 12 as a filtering process in a basic sense, thereby meeting claim 11.

As for claim 1, since the receiver is capable of receiving television, it would have been obvious to receive composite signals characterized by color and luminance components, color television broadcasts being very well known and typically provided by the high majority of

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broadcasters. Single input terminal 11 and the single processing channel would accordingly handle the composite chrominance/luminance signal.

As for claims 2 and 12, the frequency bandwidth is modified in response to a control signal generated by stage 8, which control signal is applied to stages 12 and 14 for adjusting the frequency bands (noting col. 5 line 63 – col. 6 line 3 again).

As for claim 7, it would have been obvious to not modify the video signal when stage 8 detects that the signal strength is adequate (i.e. above a threshold). Such would occur when the signal is strong enough upon reception, and when the control process adjusts the input signal to a finally adjusted level.

Regarding claim 8, when the video signal needs adjusting (in response to a detection of a degraded or inadequate signal), the adjustment process in stage 12 (and/or 14) by default involves a continual or stepwise operation.

As for claims 9 and 10, stage 8 evaluates field strength, as noted previously. That stage is in direct association with IF stages 15 and 4.

As for claim 17, the frequency bands of stages 12 and 14 are modified when the received IF band strength is inadequate. As noted above, the frequency characteristics are adjusted, which suggests that frequencies can be increased or decreased as so needed to gain an adequate signal in the desired band. Furthermore, Sakashita does not limit his adjustment to any specific high or low bands.

As for claim 18, when the video signal needs adjusting (in response to a detection of a degraded or inadequate signal), the adjustment process in stage 12 (and/or 14) by default involves either a continual or incremental operation.

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Regarding claim 19, stage 5, subsequent to and connected to the IF stage by way of element 4, also provides control signals derived from stage 6.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Claims 3-6 and 14-16 appear allowable over the prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-75933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK